

PATENT

Attorney Docket No.: MP0267
(13298/11)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/678,523 Confirmation No. 1345
Applicant : Sorel HOROVITZ
Filed : October 3, 2003
Title : METHOD AND APPARATUS FOR FINDING THE NEXT FREE BIT
IN A REGISTER
TC/A.U. : 2193
Examiner : Chat C. DO

**PETITION UNDER 37 C.F.R. § 1.181 AND
REQUEST FOR REFUND**

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Within two months of the action complained of, Applicant respectfully petitions for a refund of extension of time fees paid in the amount of \$1110.00 for the above-referenced application on the grounds that the Office Action of April 14, 2008 was never received and the date for responding should have been reset.

On September 2, 2008, the office of the undersigned checked the status of this application in PAIR and, for the first time, became aware of the Office Action of April 14, 2008. Applicant filed a response to the Office Action on October 14, 2008, together with a three month extension of time fee, in order to avoid abandonment of the application.

The office of the undersigned has checked all of the places in the undersigned's firm where the missing Office Action would have been ordinarily received and processed, but the

Office Action was not found. The undersigned also has checked monthly docket printouts of due dates surrounding July 14, August 14, and September 14 which should show due dates for responding to this Office Action but do not.

Accordingly, Applicants respectfully request that the extension of time fee of \$1110.00 paid on October 14, 2008 be refunded to the credit card to which it was charged or, alternatively, to Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON LLP

Dated: October 30, 2008

By: /Frank L. Bernstein/
Frank L. Bernstein
Reg. No. 31,484

Customer No. **44990**

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